

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

FILED US District Court - UT  
APR 13 '22 PM 0:01:15

Paul Joseph Parker )  
Applicant/ Declarant ) Demand for Permanent Injunctive  
 ) Relief due to Criminal Trespass and  
 ) injurious physical harm

-against- ) NOTICE OF CONSPIRACY AND  
 ) CRIMINAL TRESPASS

Sean Reyes, Linda Jones, )  
John Doe and Jane Doe (1-10) )  
Respondent(s)

**Emergency Injunction Requested and Jury Demand**

Case: 2:22-mc-00259  
Assigned To : Campbell, Tena  
Assign. Date : 04/13/2022  
Description: State of Utah v Parker

Utah Case Look-up: 191906168  
INDIVIDUAL / Franchisee: PAUL PARKER / Paul Parker; et alia  
Debtor: THE STATE OF UTAH / The State of Utah  
Attorney: SEAN REYES / Sean Reyes; MICHAEL PALUMBO / Michael Palumbo  
CUSIP / TIN#: 87-6000-545  
Re: PLAINTIFF/THE STATE OF UTAH V. PAUL PARKER  
/ Plaintiff/The State of Utah v. Paul Parker

**PARTIES**

Applicant: Paul-Joseph: Parker  
% 1978 Chalet Drive  
Washington County, Utah State.

Respondent 1: Sean Reyes a/k/a Sean D. Reyes, Attorney General  
Doing Business As: Utah Office of the Attorney General  
160 East Broadway FL 6  
Salt Lake City, UT, 84111-2305 United States

Respondent 2: Linda Jones  
Doing Business As: Linda Jones; Judge of The Utah Third District Court  
In care of: Judiciary Courts of The State of Utah  
450 South State St Salt Lake City, UT, 84111-3101 United States

Respondent 3: Randon Draper, (Wayne Jones and Michael Palumbo assigns)  
Assistant Attorneys General  
In care of: Sean Reyes a/k/a Sean D. Reyes, Attorney General  
Doing Business As: Utah Office of the Attorney General  
160 East Broadway FL 6  
Salt Lake City, UT, 84111-2305 United States

## JURISDICTION

The jurisdiction of this court is invoked pursuant to The Constitution of the United States of America which states unequivocally:

No (natural) person shall ... be deprived of life, liberty, or property, without due process of law ...  
—Due Process Clause of the Fifth Amendment (1791).

Violation of Article IV of all four Federal Constitutions - Americans are exempt from Bills of Attainder

Violation of Amendment V (1791) - Denial of Due Process

Violation of Amendment V (1791) - Double Jeopardy via Dispositive Motions

Violation of Amendment XI - Americans are not subject to any foreign laws.

Violation of Federal Law, PL 73-10 and 12 USC 411 - Mutual Offset Credit Exchange Exemption from all Public Debts

## NATURE OF THE CASE

*Ius in re inhaerit ossibus usufructarii:*

"A real right attaches to the usufructuary"

Note: United States Supreme Court ruled in 2021: Mortgage overseer structure unconstitutional - Collins v. Yellen, 19-422, and Yellen v. Collins, 19-563.

Usufruct is a "limited" *Ius in re* (real right) or *in rem* right found in civil law and mixed jurisdictions that unites the two property interests of *usus* and *fructus*: (1) *Usus* (use) is the right to use or enjoy a thing possessed, directly and without altering it, and (2) *Fructus* (fruit, in a figurative sense) is the right to derive profit from a thing possessed.

A quasi-contract or implied-in-law contract or constructive contract is a legal fiction contract that is recognized in some foreign tribunals. The notion of a quasi-contract can be traced to Roman (Municipal) law and it is still a concept used in some special legal systems. Let this notice serve as attestation that any and all agency relationship between PAUL JOSEPH PARKER / Paul Joseph Parker; et alia and the State(s) of Utah are terminated.

An "individual / INDIVIDUAL" is defined as an artificial federally-chartered entity, meaning a federal (but not state) chartered corporation or partnership or trust. Such an entity is a citizen of the "United States" because it has a physical presence in the District of Columbia to be subject to the exclusive legislative or territorial jurisdiction of the United States under Article 1, Section 8, Clause 17 of the U.S. Constitution. This "individual" is NOT a natural person with income from outside the district (federal) United States who is living and working for a private employer in the

50 United States of America because of the restrictions on direct taxes imposed by Article 1, Section 9, Clause 4, and Article 1, Section 2, Clause 3 of the U.S. Constitution.

The INDIVIDUAL / Individual that is the subject of this legal matter is a federal franchise and or employee; also known as, a Warrant Officer, and it was repatriated back to the United States Department of the Treasury and Administrative Notice was given to the Illinois State Regional Office Department of the Treasury Internal Revenue Service KANSAS CITY, MO, 64999-0023, and Illinois State Regional Office Department of the Treasury Internal Revenue Service Ogden, UT 84201-0023. Copy of IRS Form 8822 – Change of Address and USPS Certified Mailing Receipt enclosed.

The Judicial District of Utah's rules, ordinances, codes, regulations, statutes, and Land Banking Act(s), do not apply to the General Public. Thus, the land banking acts that the US Municipal legal service providers are using to assign the assets of Americans, via the use of dispositive motions and idem sonnans to facilitate the deliberate misaddressing and mis-delivery of US mail, is mail fraud and unconstitutional.

The US Postal Service has been mis-delivering mail to paper addresses. These paper addresses were initially created only for use on the US Tax Map for the Census. --- It only exists on paper, it is not real. Transforming these paper streets into paper Deeds is a specialized services of many legal service providers called Attorneys.

Violation(s) of my Constitutionally protected rights (guarantees), by United Nations Organization's (UNO) PMA members, vitiates (abolishes) their Bill of Rights.

I, Paul-Joseph: Parker©, Illinoisan, a living man, having attained the age of majority; of my free will act and deed, publicly declare the following to be true: "My intellectual property (IP) and my private, personal and physical (real) properties are neither abandoned nor unclaimed", and any derivative rights being alleged by the State(s) of Utah, have been terminated.

This NOTICE OF CONSPIRACY AND CRIMINAL TRESPASS is being submitted against the herein annotated Private Membership Association (PMA) members.

Private Membership Association ("PMA"), National Association(s):  
State of Utah, located at 350 N State St Ste 200 Salt Lake City, UT, 84114-4799 United States, State of Utah is registered in Washington. State of Utah is NOT registered in Utah State.  
SPENCER J COX is listed as Governor and DEIDRE M HENDERSON as Lt. Governor, SEAN D REYES, as Attorney General, and they are NOT registered in Utah State, they are registered in Washington State.

THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY STATE OF UTAH, Doing Business As: Judiciary Courts of The State of Utah; located at; 450 S State St Salt lake City, UT, 84111-3101 United States, Parent Company; Key Principal is Zimmerman Chief Justice, and the court and Principal are NOT registered in Utah State; and also located at 450 S State St 5TH FL Salt Lake City, UT, 84111-3101 United States; Key Principal(s) are Lisa Collins and

Bartholomew; and the court and Principal(s) are registered in Washington, United States doing business as; the Judiciary Courts of The State of Utah.

Linda Jones., is doing business as; Linda Jones; Judge Of The Utah Third District Court.

Third District Court, Linda Jones, L. Douglas Hogan, Sean D. Reyes, Randon Draper, Wayne Jones, Michael Palumbo and Adam Timmins are private members of the private associations; doing business as; Judiciary Courts of The State of Utah; Judicial Branch, State of Utah; State of Utah; Salt Lake County; Judges of the Third District Court Salt Lake County, Utah Office of the Attorney General, and Utah State Tax Commission, collectively and severally.

PMA private member, Sean Reyes a/k/a Sean D. Reyes issued a Warrant of Arrest on June 18, 2019 and on June 21, 2019, Illinoisan, Paul-Joseph: Parker.©, was unlawfully detained by alleged warrant order of L. DOUGLAS HOGAN, by the Unified Police Department Taylorsville Division on a sting operation based upon allegations of a purported criminal offense of Failure to File Income Tax, Tax Evasion and Pattern of Unlawful Activity by Utah State Tax Commission investigator Adam Timmins, against alleged U.S. Citizen PAUL JOSEPH PARKER / PAUL PARKER, purported to be residing at 4637 South Aspen Lane, Taylorsville, city in central Salt Lake County, Utah 84123, (United States); wherein it states in part – "...Defendant PAUL JOSEPH PARKER / PAUL PARKER was a purported resident of Salt Lake County, Utah (United States). This was done allegedly on a tax related issue, and assigned to LINDA JONES of the THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY STATE OF UTAH. Linda Jones has issued a plea on behalf of the Defendant which is a violation and fraud upon the court, (attorning from the bench), denied several jurisdiction and Constitution challenges, ignored a Silver Surety Bond submitted to the Court, ignored a valid Foreign Judgment and who then subsequently issued an additional warrant order on April 1, 2021. Then, Illinoisan, Paul-Joseph: Parker.© was arrested and detained by the Washington County Sheriff on July 21, 2021, forced to State sponsored legal counsel provided by The Utah Legal Defenders Association, released from incarceration on September 10, 2021, and is now being held on supervised release with SALT LAKE COUNTY PRETRIAL SERVICES. Illinoisan, Paul-Joseph: Parker.©, has issued 4 negotiable instruments and a lawful money Silver American Dollar to provide remedy and satisfy the alleged claim and all have been ignored. An Interlocutory Appeal was submitted to the Utah Court of Appeals and rejected. All known remedies have been exhausted.

Linda Jones' behavior, especially in the latest pretrial hearing, has been escalating to a dangerous level and now presents a clear and present danger to my health, wellbeing and property. The Third Judicial District of Utah's callous disregard for my safety necessitated that I file this Emergency Injunction Request with the District Court.

According to the Private Membership Association ("PMA"); association members are part of a corporate family and are not under the jurisdiction of any U.S. state, and U.S. states may not pass laws that impair the obligation of a contract, because in general, members of a PMA have the right to private contract under the due process liberty clause of the 5th (right of association) and 14th Amendments (Bill of Attainder).

PMA's further implies that what could/would in normal situations be subject to scrutiny, or be considered a criminal act outside the jurisdiction of the association, is deemed perfectly legal within the protection/jurisdiction of the private association.

This purported immunity is based on the presumption that private membership associations are afforded all the rights and freedoms of an American citizen, including the right to due process, in the event that a state official makes inquiries into their operation and organization. However, this purported immunity terminates, as soon as, a clear and present danger event occurs that causes an injury that the corporate congress has an obligation to prevent. For instance, by violating the Fifth Amendment by subjecting Americans to double jeopardy via their dispositive motions, after acquittal; in their alleged tax actions.

BE ADVISED, a PMA cannot grant anyone a right or privilege that it does not possess, nor one which violates the constitutional protection of an American citizen. A dispositive / summary judgment is a violation aka rebellion against the Constitution, and pursuant to the U.S.

Constitution:

No person shall ... be deprived of life, liberty, or property, without due process of law ... —Due Process Clause of the Fifth Amendment (1791), and pertaining to U.S. citizens, No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. ... —Privileges or Immunities Clause of the Fourteenth Amendment.

PMAs operate under a state of necessity, now known as "necessity". It is codified by Article 25 of the International Law Commission's (ILC's) Articles on State Responsibility (ASR). It is a circumstance precluding the wrongfulness of an otherwise internationally wrongful act. It is traditionally defined as a situation in which the sole means by which a state can safeguard an essential interest from a grave and imminent peril is to sacrifice another state's interest of lesser importance. The plea is unavailable where the rule from which derogation is sought precludes its invocation, where the state invoking necessity has contributed to peril's onset, or where the act to safeguard the essential interest is contrary to a peremptory norm, such as the right to free speech, which is still "pending" ratification in the PMAs Bill of Rights. Copy of PMA's Bill of Rights and exhibits regarding "incorporation" attached.

It is well understood that; "Anyone entering into an arrangement with the government takes the risk of having to accurately ascertain that he who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of the limitations upon his authority." [Federal Crop Insurance v. Merrill, 332 U.S. 380 (1947)].

When challenged, those posing as government officers' agents, agencies, etc. are required to affirmatively prove whatever authority they claim. In the absence of proof, they may (must) be held personally accountable for loss, injury and damages. See particularly, title 26 united states code (herein "usc") § 7804(b), now published in notes following § 7801. per 26 usc § 7214(a), if and when officer, agent, agency, irs personnel, etc. exceed authority prescribed by law, or fail to carry out duties imposed by law, they are criminally liable pursuant to; 31 cfr part 1, appendix b of subpart c, paragraph 2.

The attempts by the Principals at the above annotated private associations, to conspire against and evade the Public Law, via private UN authorized sister-city / sister-state (treaty) agreements, necessitates that I file a Public Interest suit in the [Military] District Court against all involved actors collectively and severally, for objection to misapplication of law, deliberate

impersonation of Americans as foreign Persons, failure to honor redemption of fiat notes for lawful money, obstruction of trade, unlawful arrest and detainment, destruction and illegal confiscation of property, trespass against the Public Law, gross criminal negligence, conspiracy against and evasion of the Public Law, inland piracy, human trafficking, racketeering, theft of estate property, purposeful injurious harm, as well as fraud, unjust enrichment and gross breach of trust

The law is; any incorporated entity that does anything unlawful against an unincorporated (sovereign) entity is guilty of a crime and subject to immediate liquidation and in the event of a death prosecution, because when -- ANY -- corporate entity attacks an unincorporated (sovereign) entity, a crime occurs; and no one can profit from a crime. ALL municipalities and their affiliates are incorporated entities. See Territorial Government's Executive Orders 13818 & 13848.

I, Paul-Joseph: Parker©, Illinoisan, do not consent to be conscripted into any foreign jurisdiction or subjected to any foreign by-laws. I am entitled to directly request evidence of officer's, agent's, agency's, irs employee's, etc. delegation of authority and/or liability insurance. Civil Rule 36

This information is mandatory under civil rule 36, and failure to answer, is deemed admittance. In other words, it would indicate that discovery and records, that is, the bank's records kept in the due course of business, are not admissions from special auditors AND do not constitute admissions.

#### Admittance by Non-Response

The debtor, i.e., THE STATE OF UTAH's and THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY's failure to provide the mandatory documentation, is an admittance by non-response, also known as, an estoppel by acquiescence. An estoppel by acquiescence may arise when one person gives a legal warning to another based on some clearly asserted facts or legal principle, and the other does not respond within "a reasonable period of time". By acquiescing, the other person is generally considered to have lost the legal right to assert the contrary.

Sean Reyes and Michael Palumbo, are operating in the capacity as a whistleblower, private bounty hunter, pursuant to the extra-territorial congressional authority under BOUNTY HUNTER RESPONSIBILITY ACT OF 1999 and BOUNTY HUNTER RESPONSIBILITY ACT OF 2005 and or the 14th Amendment of the Federal Constitution of the United States which holds lawful position as a 14th amendment "Constitutional Bounty Hunter" under Title 42 Public Health and Welfare 1983, 1988.

Whereas defined pursuant to American Jurisprudence:

In general, it is essential to identify parties to court actions properly. If the alleged parties to an action are not precisely identified, then who is involved with whom or what, and how? If not properly identified, as is the case with the use of idem sonnans, all corresponding judgments are void, as outlined in Volume 46.



Further, there is no accusation in civil court. A charge in civil law means bill, nothing else. One must be presented with a bill in a civil case for any charge that is made and in a criminal action a receipt is presented. Under English law the receipt is called a docket or indexed claim. It is presented at the onset of the collection process when one is summoned and expected to come forth and pay the bill or honor the receipt on behalf of the US citizen/debtor. All are presumed to be competent enough to treat a bill as a bill and a receipt as a receipt and to honor them fully or conditionally [as the case may be] with the bottom line being to balance or reconcile the ledger.

The U.S. / US and English litigation systems are either adversarial or inquisitorial. They only have to present the evidence that supports their claim. For example, when a franchisee is charged with speeding, he is given a charging instrument. It is the same as a claim by the bank that shows that someone has failed to make mortgage payment(s). It is a commercial entry from a corporation showing that there is an outstanding liability on their receivable balance sheet, thus, placing them in the capacity of a creditor and defaulting the receiving party (franchisee) as the debtor.

While the bank is the alleged creditor on the receivable side of this undertaking; or their asset side that is the receivable, I am the creditor on the liability side or the accounts payable. Pursuant to "Federal Law, PL 73-10 and 12 USC 411", I am herein demanding my Mutual Offset Credit Exchange Exemptions, to convert my accounts payable, as an offset or counterclaim, to the financial asset side that is the receivable.

United States Disclaimer: For Want of Form

"And be it further enacted. That no summons, writ, declaration, return, process, judgment, or other proceedings in civil cases in any of the courts or the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration, or other pleading, returns process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any, time, permit either of the parties to amend any defect in the process of pleadings upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe (a)". Judiciary Act of September 24, 1789, Section 342, FIRST CONGRESS, Sess. 1, ch. 20, 1789.

The "Secret" of 1954

In 1954 all the courts in America effectively shut down and stopped hearing Common Law Pleas and instead started hearing only Statutory Pleas--- which means that the "Defendants" and "Plaintiffs" in such courts can only be business entities or incorporated entities, via the doctrine of incorporation, not natural people/persons.

The STATE OF NEW YORK, along with The STATE OF UTAH is currently being bankrupted as a franchise of the UNITED STATES, INC., and the UNITED STATES DISTRICT OF COLUMBIA MUNICIPAL CORPORATION due to their not paying their taxes (from its inception no less), having claimed exemption as a government entity, only to have it discovered that they were operating as private commercial corporations and therefore were never eligible for any exemption. Yes, the tax man cometh for all of these Off-shore (non-domestic) entities operating the Offshore Financial Centers "OFC's".

The principal bankruptcy officials administering the insolvency/bankruptcy matter are the Referees and Trustees, who are paid on a fee basis, not by salary. They have limited powers and limited jurisdiction. Thus, any "legal" proceeding that is being administered by a referee and or trustee is prima facie evidence that the matter is an involuntary (forced) bankruptcy proceeding.

This simulation of a legal process on the part of Sean Reyes and Michael Palumbo, also necessitates that the information annotated herein be immediately and widely disseminated, in the interest of public awareness and public safety. As an unregistered foreign agent, Sean Reyes and Michael Palumbo, can only make erroneous presentments; or rather "theory liens" without first going through the proper channels in order for his presentment to be considered a "firm offer" or "true bill in commerce." Also, as an "unregistered foreign agent, Sean Reyes and Michael Palumbo, must have someone to vouch for him, such as the Secretary of State, or State Archivist. No evidence was provided to verify that this was done. A certified copy of Sean Reyes and Michael Palumbo's foreign registration documents MUST be entered into the public records, along with a choate lien from a court of competent jurisdiction. A firm offer must be a signed affidavit, notarized and apostilled in order to be considered as a "true bill in commerce." Then and only then can it be "accepted" or accepted for value and tendered for settlement.

The bottom line is that the original assessment was not presented, nor a certified audit trail of all transactions for the original voucher expressly allowing for the back-end copy, imad, omad, disposition and all disbursement documents /receipts/ 1099oid/ 1099int, Bid Bond [GSA Form 24], performance bond [SF25], payment bond [SF25A], SF274, SF275 & SF275A and at the Federal level SF273, SF274 & SF275, or equivalent documentations; as well as, the signed, certified verification of assessment and name of the registered public accounting firm and name of auditor who assessed the "Charges", credentials, oath, Name and contact information and any "insurances" pertaining to this matter.

Additionally; Sean Reyes, Doing business as Utah Office of Attorney General, failed to provide the state 28-E agreements between the U.S. state and federal governments to secure grants from the fed., and to insure compliance with federal law by the U.S. state and the yearly compliance statement to the fed., showing among others that the U.S. state is in compliance with federal law and exactly where and how one is party to these agreements. See enclosed United States Department of State "Touhy Notice".

As the former receiver of process for PAUL JOSEPH PARKER / Paul Joseph Parker et alia, in order to provide settlement and closure; a statement of the accounting should have been provided by Sean Reyes, Doing business as Utah Office of Attorney General. The parties



involved should be aware that without these documents being submitted for the record, I could not give permission for "sentencing of the charged party" and the deliberate use of idem sonanns for the names and addresses of the involved Principals further complicated settlement of this legal matter.

## DEMAND FOR ACCOUNTING

Financial Accounting Standards Board of the Financial Accounting Foundation  
401 MERRITT 7, P.O. BOX 5116, NORWALK, CONNECTICUT 06856-5116 UNITED STATES

The FASB is based in Norwalk, Connecticut, and is led by seven full-time Board members, one being the chairman, appointed by the Financial Accounting Foundation (FAF) to serve five-year terms and are eligible for one term reappointment. The FASB replaced the American Institute of Certified Public Accountants' (AICPA) Accounting Principles Board (APB) on July 1, 1973.

Pursuant to Statement of Financial Accounting Standards No. 140 - Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities. Effective September 2000, a replacement of FASB Statement No. 125 was instituted.

Whether it is banking, civil or criminal court; it is all accounting. Reference the Financial Accounting Standards Board ("FASB") regulations:

Financial Accounting Statement: FAS125 securitization accounting,

Financial Accounting Statement: FAS140 Offsetting of financial assets and liabilities,

Financial Accounting Statement: FAS133 derivatives on hedge accounts, FAS5, FAS95.

### Title 12 USC 1813(L)(1)

Under Title 12 USC 1813(L)(1) when I deposited the promissory note, it became a cash item. It became the equivalent of cash because I have a cash receipt for it. In other words, I am the creditor on the payables side of the ledger. The receipt is my Deed. This means, the bank owes me the money.

### Securitization

Securitization is the process of transferring all the liabilities off the balance sheet. The banks do this because we do not ask for them. The promissory note is no longer a negotiable instrument pursuant to UCC Article 3, it has been converted into a security instrument pursuant to UCC Article 8. Whenever anyone sign a mortgage note it originally comes under UCC Article 3, but after securitization, it comes under Article 8. Under United States law securitization is illegal because it is fraudulent, and instruments such as loans, credit cards and receivables, are all securitized. Securitization is only illegal for private corporations. Sadly, all the banking institutions follow these standards.

### Off Balance Sheet Bookkeeping

This accounting practice is called off balance sheet bookkeeping. The banks are not showing the liability side of the ledger or the accounts payable because it has been moved over to someone else's balance sheet. The IRS does the same thing when we tender them a negotiable instrument. They accept it and never return it. They then neglect to adjust the

account. They do not acknowledge the transaction. The deposit is moved off the books. It does not show on the books the collection agent is looking at. The court clerk similarly is (deliberately) also only looking at the accounts receivable side of the ledger, which places them in the role of the creditor.

#### Abandoned Property Law

NY Aban Prop L § 1502 (2017) Article 15 - (Abandoned Property) LAWS REPEALED [1500]; CONSTITUTIONALITY [1501]; EFFECTIVE DATE [1502]. This chapter shall take effect June first, nineteen hundred forty-four. 06/01/1944.

#### DERIVATIVE RIGHTS DOCTRINE

The Uniform Unclaimed Property Act, i.e., 1995 UUPA at section 1(6), defines a "holder" as "a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this [Act]." The Comment to the 1995 UUPA further clarifies that; "As held by the Supreme Court in *Delaware v. New York*, the holder is the person indebted under the applicable state law. .... The holder thus is 'a person obligated,' i.e., a person who could be sued successfully by the owner for refusing to make payment", and pursuant to Delaware Limited Liability Act, the LLC; in this instance, SEAN REYES, RANDON DRAPER and MICHAEL PALUMBO / Sean Reyes, Randon Draper and Michael Palumbo, Doing business as: Utah Office of the Attorney General, are the holders and thus debtors.

Additionally, pursuant to *Insurance Co. of N. Am. v. Knight*, 291 N.E.2d 40, 44 (Ill. App. 1972), appeal dismissed, 414 U.S. 804 (1973) - noted that "the rights of the State are derivative from the rights of the owner, and...the State has no greater right than that of the payee owner"; *Cole v. National Life Ins. Co.* 549 So. 2d 1301, 1303-04 (Miss. 1989) - "The State Treasurer agrees and the Companies concur that the Treasurer acquires his (her) rights by and through the owners of the abandoned property. Their conclusions were/are based on the custodial nature of the Uniform Act under which the courts have consistently held that the rights of the State are indeed derivative from the rights of the owners of abandoned property....".

Pursuant to UCC 3-306, there cannot be a holder in due course on a promissory note after it has been deposited. The bank executes an off balance sheet entry. This means the bank took my note after they sold it, and instead of showing it on their balance sheet, they moved it over to some other entity's balance sheet. It is no longer on the original bank's books.

#### Derivative suit

In the United States, corporate law is based on state law. Although the laws of each state differ, the laws of the states such as Delaware, New York, California, and Nevada where corporations often incorporate, institute a number of barriers to derivative suits. A shareholder derivative suit is a lawsuit brought by a shareholder on behalf of a corporation against a third party. Often, the third party is an insider of the corporation, such as an executive officer or director. Generally, in these states and under the American Bar Association guidelines, the procedure of a derivative suit was as follows:

First, eligible shareholders must file a demand on the board. The board may either reject, accept, or not act upon the demand. If after a period of time, days the demand has been rejected or has not been acted upon, shareholders may file suit. If the board accepts the demand, the corporation itself will file the suit. If rejected, or not acted upon, the shareholder must meet additional pleading requirements. On the requirements being met by the shareholder,

the board may appoint a "special litigation committee" which may move to dismiss. If the special litigation committee makes a required showing, the case will be dismissed. If the committee fails to make a showing, the shareholder suit may proceed. This model approach is followed to a greater or lesser degree among various states.

In New York, for example, derivative suits must be brought to secure a judgment "in the corporation's favor." Delaware has different rules in regards to demand and bond requirements too. Shareholder derivative suits are unique because under traditional corporate law, management is responsible for bringing and defending the corporation against suit. Shareholder derivative suits permit a shareholder to initiate a suit when management has failed to do so. Because derivative suits vary the traditional roles of management and shareholders, many jurisdictions have implemented various procedural requirements to derivative suits. Any proceeds of a successful action are awarded to the corporation and not to the individual shareholders that initiate the action.

Under traditional corporate business law, shareholders are the owners of a corporation. However, they are not empowered to control the day-to-day operations of the corporation. Instead, shareholders appoint directors, and the directors in turn appoint officers or executives to manage day-to-day operations.

#### Dispositive motions are unconstitutional

Dispositive motions are unconstitutional because they violate the Fifth Amendment Due Process and Double Jeopardy Clauses. In law, a dispositive motion is a motion seeking a trial court order entirely disposing of all or part of the claims in favor of the moving party without need for further trial court proceedings. "To dispose" of a claim means to decide the claim in favor of one or another party. As a lawsuit may comprise numerous claims made by and against numerous parties, not every dispositive motion seeks to dispose of the entire lawsuit. In the U.S., the most common type of dispositive motions seeking to dispose of the entire lawsuit are those for summary judgment. Which is unconstitutional since it is a denial of due process. Many U.S. state jurisdictions also provide for a "partial summary judgment" or motion for "summary adjudication of issues" which only seeks to dispose of part of a lawsuit.

#### TRIABLE ISSUES OF FACT

In many cases, a decision on a dispositive motion is a prerequisite for appellate review. See, e.g., Wash. Rules of Appellate Procedure 2.2.

Regardless whether the dispositive motion is for summary judgment or adjudication, the motion must be supported by declarations under oath, excerpts from depositions which are also under oath, admissions of fact by the opposing party and other discovery such as interrogatories, as well as a legal argument (points and authorities). The other party may respond with counter-declarations, discovery responses, and legal arguments attempting to show that these issues were "triable issues of fact." If there is any question as to whether there is conflict on the facts on an issue, the summary judgment or adjudication must be denied regarding that matter.

The two principal types of dispositive motion in contemporary American legal practice are the motion to dismiss (sometimes referred to as a demurrer in a minority of U.S. state jurisdictions) and the motion for summary judgment or summary adjudication of issues. A

dispositive motion may also be used to request that an indictment be dismissed or quashed, or for judgment on pleadings.

In order to solve conflict of law issues, the United States enacted Section 304 of the U.S. Bankruptcy Code in 1978. Section 304 was repealed in 2005 and replaced with Chapter 15, titled "Ancillary and Other Cross Border Cases." This section has increased the range of options available in the United States in support of foreign bankruptcy proceedings.

Chapter 15, Title 11, United States Code: Ancillary and Other Cross-Border Cases, is a section of the United States bankruptcy code that deals with jurisdiction (legal authority). Under Chapter 15 a representative of a corporate bankruptcy proceeding outside the U.S. can obtain access to the United States courts. It allows cooperation between the United States courts and the foreign courts, as well as other authorities of foreign countries involved in cross-border insolvency cases.

Pursuant 11 U.S. Code Chapter 15:

§ 1502(1) "debtor" means an entity that is the subject of a foreign proceeding.

11 U.S. Code § 1502(2) "establishment" means any place of operations where the debtor carries out a nontransitory economic activity.

11 U.S. Code § 1502(3) "court" means a judicial or other authority competent to control or supervise a foreign foreign proceeding.

11 U.S. Code § 1502(6) "trustee" includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title.

11 U.S. Code § 1502(7) "recognition" means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter.

11 U.S. Code § 1502(8) "within the territorial jurisdiction of the United States", when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

Chapter 15 incorporates the Model Law on Cross Border Insolvency drafted by the United Nations Commission on International Trade Law. The law provides solutions to problems which arise in connection with cross-border bankruptcy, allowing US (territorial) courts to issue subpoenas, orders to turn over assets, the issuance of stays on pending actions, and orders of other types as circumstances dictate.

The ancillary proceeding permitted under Chapter 15 is often a more efficient and less costly alternative to initiating an independent bankruptcy proceeding in the United States. It also avoids the conflicts (of laws) which could arise between the jurisdictions involved in two independent bankruptcy proceedings initiated in connection with the same debtor. Chapter 15 also establishes mechanisms for the cooperation between US and foreign courts and representatives regarding proceedings which involve the same debtor.

Recoupment / Counterclaim / Setoff is herein being demanded pursuant to;

Rule 13 - Mandatory Counterclaim

As the creator of the promissory note, I demand recoupment. I signed it and others are using it, therefore, recoupment means I want my property back and have the account set off. Under civil rule 13, a counterclaim, which is based on the same transaction, is mandatory.

Pursuant to Statement 95: These reports are filed on OMB forms in which the public has a right to disclosure under the privacy act. If the bank shifts the assets off the books, they have to report to the FRB where it went.

Recoupment - (1) The recovery or regaining of expenses by applying the setoff so you can get back what you gave and what you are entitled to. (2) The withholding for the equitable part or all of something that is due. This proposed legal action is an equitable action, using admiralty style financial instruments. By signing the promissory note, I monetized the corporate government's system with my signature. It created an IOU. However, an IOU is an asset instrument, it is NOT a liability instrument.

Under the constitution, the government was not given authority to create money. It is a power reserved by the people. Article I, section 10 restricted the U.S. states from making gold coins. So the corporate government has to rely on deceiving the people to create money. In other words, the corporate government creates money by tricking the people into signing IOUs, or promissory notes.

Again, the promissory note is not a debt instrument to the one who created it; it is actually an asset. The creator can pass it on for someone else to use. It is negotiable unless it includes terms and conditions as part of a contract. The collateral property belongs to the creator (owner), and the holder is merely using it and **any proceeds that come from it should be restored to the creator.**

The bank, that is, the court; is using the receivable side of the accounting ledger. It is what The State of Utah is attempting to "charge" me with. On the receivable side, The State of Utah must pay the debt, because that is where the charge is coming from since The State of Utah is claiming to be the creditor like a bank collecting the mortgage. The mortgage side of the bank ledger is the bank's asset and receivable, but it is also on the bank's liability side.

### **FAS 140 / Setoff**

Under FAS 140, I am claiming my setoff. A deposit is a cash receipt, i.e., a cash proceed. Everything becomes a cash proceed in commercial law under (UCC) Article 9. The accounting records show it as a cash proceed. I was given a credit to my account, which is actually a cash receipt to me the customer or the borrower. Subsequently, a cash payment was then made to the bank.

### **The Clerk of the Court**

The above scenario is also what is occurring in the courtroom. The clerk holds the receivable side for the corporation and the judge holds the payables. The judge is holding accounts payable under HJR 192 for all the people that come before him if he has possession of the Social Security Number. The judge is not required to be a witness or bring pleadings to the court. He/She is functioning merely as a referee, an arbitrator. The receivables are the charges against the franchise. The party holding the payables is not the same party handling the receivables. The judge is not obligated to do the setoff unless it is raised as an issue or defense, which it has in this case.

### **A Civil Cause of Action**

There is no accusation in civil court. A charge in civil law means bill, nothing else. One must be presented with a bill in a civil case for any charge that is made and in a criminal action a receipt is presented. Under English law the receipt is called a docket or indexed claim. It is



presented at the onset of the collection process when one is summoned and expected to come forth and pay the bill or honor the receipt on behalf of the US citizen/debtor. All are presumed to be competent enough to treat a bill as a bill and a receipt as a receipt and to honor them fully or conditionally [as the case may be] with the bottom line being to balance or reconcile the ledger. Two sets of books = Double Book Entry

#### The Eleventh Amendment

The Eleventh Amendment is a constitutional limit on federal subject matter jurisdiction, and Congress can override it by statute only pursuant to the § 5 enforcement power of the Fourteenth Amendment (Bills of Attainder). Bills of Attainder are foreign bills and are prohibited by Article IV of the Federal Constitutions, which clearly state that Americans are specifically exempted from being prosecuted under bills of attainder, and Amendment XI of all three Federal Constitutions state that Americans are not subject to any form of foreign law.

Virtually any presentment submitted to any of these foreign forums (courts) is a Bill of Attainder which should never, ever, be addressed to any American civilian, under any circumstance. This includes Summons, Warrants --- Non-Judicial Warrants, Traffic Citations, Impound Orders, Court Orders, Dockets, etc. ---- they are all "Bills of Attainder" and they are all pre-judged via Summary Judgments pursuant to Warrants of Attorney to Confess Judgments regardless of what "court" (tribunal) issues them.

Factually, there have been no actual Judicial Courts operating in America since the enactment of the First Judiciary Act of 1789, which removed the Judiciary branch of the United States Government, and there has been no actual trial activity as a result. The entire "justice system" has been run under a system of (administrative) constructive fraud.

There are three main exceptions to the sovereign immunity of a state:

First, The Eleventh Amendment does not stop a federal court from issuing an injunction against a state official who is violating federal law. Although the state official may be abiding by state law, he is not permitted to violate federal law, and a federal court can order him to stop the action with an injunction. [Ex Parte Young, 209 U.S. 123 (1908)]. Money damages are possible against the state officer, as long as the damages are attributable to the officer himself and are not paid from the state treasury. [Scheuer v. Rhodes, 416 U.S. 232 (1974)].

The Eleventh Amendment does not automatically protect political subdivisions of the state from liability. [Moor v. County of Alameda, 411 U.S. 693 (1973)]. The main factor is whether the damages would come out of the state treasury. [Hess v. Port Authority Trans-Hudson Corp., 115 S. Ct. 394 (1994)].

In United States, if the U.S. state would have to pay for damages from the U.S. state treasury, then the Eleventh Amendment will serve as a shield from liability. Eleventh Amendment immunity does not protect municipal corporations or other governmental entities that are not political subdivisions of the state, such as cities, counties, or school boards.

Finally, the states surrendered a portion of the sovereign immunity that had been preserved for them by the Constitution when the Fourteenth Amendment (Bill of Attainder) was adopted. Congress uses Bills of Attainder to authorize private qui tam / whistleblower / relator suits

against non-consenting states to enforce their constitutional Fourteenth Amendment guarantees.

The so-called 14th Amendment is a Bill of Attainder issued by the Board of Directors of "The United States of America" ---Incorporated, the Scottish Interloper, operating the Territorial Congress as a Legislature.

A bill of attainder is:

a legislative act formerly permitted that attainted a person and imposed a sentence of death without benefit of a judicial trial see also attainder compare bill of pains and penalties in this entry; a legislative act that imposes any punishment on a named or implied individual or group without a trial.

In the 14th Amendment, bills of attainder condemned all Municipal citizens of the United States and pre-judged and sentenced them. Thus, when a representative via its STRAWMAN is SUMMONED and appears in any Territorial State of State Court or District Court, the entire process is a sham. It is a simulation of a legal process. It "gives an appearance of justice" but the PERSON in the Dock and named on the Docket, is already pre-judged and guilty, and has appeared in answer to a Bill of Attainder.

It's also why when the estate of a living man "presumed to be" an "infant decedent", for example, "Johnson, Lester Allen" ---- appears in one of these courts, it is presumed to be abandoned and subject to administration by Territorial Bar Attorneys as "salvage" under Maritime law, and already pre-judged and subject to the "discretion" of the Judge --- and again, has appeared in answer to a Bill of Attainder.

The word "decedent" can mean what we typically take it to mean --- literally dead, a corpse, etc., or, it can mean that we have waived our right to an estate or inheritance. Now you know what they are pretending when they use the Upper and Lower Case Name and haul you in using Bills of Attainder.

They are using our Mother's unwitting "Witness" as the basis to claim that she donated us (living American) to them as a Ward of their State of State organization and that we are "presumed to be" a British Territorial U.S. Citizen, a Subject of the Queen, and liable to vest all your property interests in the Queen and pay all her debts, and our birthright estates are probated / administered under the Americans with Disabilities Act (ADA). In other words, in the British system, you are liable to Bills of Attainder regarding any debt owed to or owed by the Queen. It is all foreign rules and regulations, deemed laws.

The immunity of a state from suit has long been held not to extend to actions against state officials for damages arising out of willful and negligent disregard of state laws. See *Johnson v. Lankford*, 245 U.S. 541 (1918) and *Martin v. Lankford*, 245 U.S. 547 (1918).

The reach of the rule is evident in *Scheuer v. Rhodes* (416 U.S. 233 (1974)), in which the Court held that plaintiffs were not barred by the Eleventh Amendment or other immunity doctrines from suing the governor and other officials of a state alleging that they deprived plaintiffs of federal rights under color of state law and seeking damages, when it was clear that plaintiffs were seeking to impose individual and personal liability on the officials.

The Eleventh Amendment is a constitutional limit on U.S. federal subject matter jurisdiction, and the U.S. Congress can override it by statute only pursuant to the § 5 enforcement power of

the Fourteenth Amendment. Municipal citizens of the United States (otherwise known as 14th Amendment citizens) never had any constitutional guarantees to begin with, and neither do U.S. Territorial Citizens --- like people born in Puerto Rico, or American Military personnel serving "overseas", and since these two commercial corporations broadly called, the US CORP (defunct 1/19/2021) and the USA, CORP (also defunct 1/7/2021) have been engaged in a perpetual mercenary "war" on our shores since 1860, it should come as no surprise that they have condemned the "other side" by legislative acts and uses "bills of attainder" to prosecute their "enemies".

There are three main exceptions to the sovereign immunity of a state:

First, The Eleventh Amendment does not stop a federal court from issuing an injunction against a state official who is violating federal law, as is the case with a PMA member who is violating the constitutional rights of another.

Second, The Eleventh Amendment immunity does not protect municipal corporations or other governmental entities that are not political subdivisions of the state, such as cities, counties, or school boards.

Third, the states surrendered a portion of the sovereign immunity that had been preserved for them by the Constitution when the Fourteenth Amendment was adopted, and while Congress may authorize private suits against non-consenting states to enforce the constitutional guarantees of the Fourteenth Amendment, these qui tam or whistleblower suits cannot be used to abrogate the Constitutional guarantees of American citizens.

As traditionally understood, the essential interests safeguarded in necessity are state interests, but the ILC included as progressive development in Article 25 ASR the possibility for a state—or several states acting together unilaterally, for example, via sister-city / sister-state private agreements, to safeguard in necessity an essential interest of the international community as a whole. The ILC's Draft Articles on the Responsibility of International Organizations (DARIO), now also provides as progressive development for the possibility of an international organization, acting in necessity, to safeguard an essential interest of the international community as whole, subject to the organization having the role of protecting the interest in question as well as the other conditions traditionally associated with state of necessity, as set out above, being met. Indeed, initially the ILC considered that an international organization cannot invoke necessity to safeguard its own essential interest.

The actual Public Law is not subject to discretionary enforcement by any employee, trustee, or representative. The Public Law is a mandatory enforcement obligation of all trustees, employees, administrators, officers, and officials pretending any authority or association with the actual Government of this country and is an obligation of all Principals under both The Constitution of the United States and The Constitution of the United States of America.

As all should be aware, whenever, one obtains any type of license, for example, Medical, Attorney/Lawyer or Real Estate, etc.; it changes ones political status and involves being conscripted as a U.S. Citizen and subjected to the Queen's Government as a Uniformed Officer as defined under Title 37 of the Federal Code. Of particular interest is the fact that all tax collectors (IRS agents), such as, police officers, sheriffs departments, DOT, tag agencies, BAR attorneys, Judges, Highway Patrol, "appearing as elected officials," are just "private

contractors," who can now be brought up on fraud charges for "impersonating a public official while receiving federal funding."

In re jurisdiction is granted within [t]he United States pursuant to Section 802 of the USA Patriot Act.

Section 802, Patriot Act: Defining the People as terrorists. Defining terrorism as a maritime event. Excluding private meetings on the land from terrorism: "(5) the term 'domestic terrorism' means activities that--(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; (B) appear to be intended-- (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the United States."

Ius in re, or jus in re, under civil law, more commonly referred to as a real right or right in rem, is a right in property, known as an interest under common law (British Equity). A real right vests in a person with respect to property, inherent in his relation to it, and is good against the world (erga omnes). The primary real right is ownership, called dominium, freehold, leasehold, commonhold. Whether possession (possessio) is recognized as a real right, or merely as a source of certain powers and actions, depends on the legal system at hand. Subordinate or limited real rights generally refer to encumbrances, rights of use and security interests.

The term right in rem is derived from the action given to its holder, an actio in rem. In Latin grammar the action against the thing demands a fourth case. The underlying right itself, ius in re, has a fifth case, as the right rests on, or burdens, "the thing".

The common law (British Equity) terminology now erroneously uses the fourth case for describing the right itself.

In rem jurisdiction is a legal term describing the power a court may exercise over property (either real or personal) or a "status" against a person over whom the court does not have in personam jurisdiction. For instance, in any matter concerning real estates, landlords may seek and courts may grant forfeiture (deprivation or destruction of a right in consequence of the non-performance of some obligation or condition) of leases such as in leasehold estates (ownership of a temporary right to hold land or property in which a lessee or a tenant holds rights of real property by some form of title from a lessor or landlord and although a tenant does hold rights to real property, a leasehold estate is typically considered personal property i.e. movable property or movables (any property that can be moved from one location to another; for example from land jurisdiction to maritime/sea jurisdiction) for breach of covenant, which in most jurisdictions must be relatively severe breaches; however, the covenant to pay rent (via UCC § 9-102 -- (C)(5) - "agricultural liens"; as a "farm tax") is one of the more fundamental United States covenants.

Jurisdiction in rem assumes the property or status is the primary object of the action, rather than personal liabilities not necessarily associated with the property.

A servitude cannot impose the performance of a positive duty on the owner of the burdened property but only duties either to refrain from exercising certain rights to which an owner could be otherwise entitled (negative servitude) or to suffer certain things to be done to his/her property which an owner otherwise could be entitled to forbid or resist (positive servitude).

Servitudes arise from express agreement (mortgage/security agreement), adverse possession, (a legal principle under which a person who does not have legal title to a piece of property — usually land (real property) — acquires legal ownership based on continuous possession or occupation of the property without the permission of its legal owner; or as a matter of law.

The U.S. Copyright Office stated that "[t]he tangible nature of a copy is a defining element of the first sale doctrine and critical to its rationale." For the first sale doctrine to apply, lawful ownership of the copy or phonorecord is required and §109(d) of the Act prescribes, first sale doctrine does not apply if the possession of the copy is "by rental, lease, loan, or otherwise without acquiring ownership of it".

Courts have struggled and taken dramatically different approaches to sort out when only a license was granted to the end user as compared to ownership. In general, courts look beneath the surface of the agreements to conclude whether the agreements create a licensing relationship or if they amount to, in substance, sales subject to first sale doctrine under §109(a).

Thus, specifying that the agreement grants only a "license" is necessary to create the licensing relationship, but not sufficient. Other terms of the agreement should be consistent with such a licensing relationship.

Section 602(a)(1) of the US copyright statute states that "importation into the United States, without the authority of the owner of copyright under this title, of copies or phonorecords of a work that have been acquired outside the United States is an infringement of the exclusive right to distribute copies or phonorecords." This provision provides the copyright owner an opportunity to stop goods from entering the United States market altogether. Whether it is banking, civil or criminal court; it is all about accounting.

Notice of Intent to Subpoena the Special Auditor(s)

The corporate government is mandated to give a cash receipt on any deposit, because it is a demand deposit account. It is required to be displayed on their books --- but they are not doing that. It is being handled as an offset entry. If this goes to trial we will subpoena the auditor. Receipts are important and these "special auditors" must keep track of where the assets are located. The clerk of the U.S. District court as holder of the receivable side for the corporation and the assigned judge / referee, as holder of the payable side of the corporation is herein being requested to set-off the account before him / her that is associated with social security / tax identification number(s) 529-96-7030.



DEMAND FOR RELIEF NO ONE CAN PROFIT FROM A CRIME.

WHEREFORE, applicant/declarant demands:

The remedy provided pursuant to Federal Law, PL 73-10 (12 USC 411): Mutual Offset Credit Exchange Exemption, be honored, along with recognition of my Exemption from all "state and federal taxes", as well as, all state and federal citizenship obligations, including all mortgages, and all Territorial and Municipal Codes and Statutes.

A jury demand for a "Political Status Hearing", in order to put an end to the legal harassment via undisclosed and involuntary bankruptcy arbitration hearings disguised as judicial hearings that are being practiced by United States Legal Service Representatives via their special legislative acts a/k/a "soft-laws", all of which violates The United States Constitution and The Constitution of the United States of America.

To issue a permanent injunction to STOP all summary process proceedings in Utah State, THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY, STATE OF UTAH for case number 191906168. It violates both the United States Constitution and Utah State laws.

To conduct an evidentiary hearing in the nature of a forensic audit, to determine the degree of damages caused by the malicious negligence of the defendants/respondents against, and return of, my private and real property, along with any securities created from this case both known and unknown. Explicitly reserving all rights without prejudice.

I, Paul-Joseph: Parker©, am an Illinoisan; an American without Disability, who is not subject to "the Americans With Disability Act ("ADA")". Explicitly reserving all rights without prejudice.

Lex semper dabit remedium: "The law always gives a remedy"

This 10 day of April, Two Thousand Twenty Two

By: Paul-Joseph: Parker

Paul-Joseph: Parker

In care of 1978 Chalet Drive Santa Clara Utah

Street Address

Phone: #: 801-647-9319

No --- I do not consent to receive documents electronically.

\*\*\*\*\*Nothing below this line, No changes permitted\*\*\*\*\*